South Millville INT: INT of the southeast course of the Millville, N.J., radio range and the southeast course of the Atlantic City, N.J., radio range.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61-8798; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 60-FW-92]

## PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Revocation of Control Area Extension and Designation of Transition Area; Correction

On August 24, 1961, there was published in the FEDERAL REGISTER (26 F.R. 7874, Airspace Docket No. 60-FW-92) an amendment to Part 601 of the regulations of the Administrator designating a transition area at Carlsbad, New Mexico (§ 601.10009) effective October 19, 1961. In the preamble to this amendment, it was stated that the transition area was being designated in lieu of the Carlsbad control area extension. Through an oversight, however, formal action to revoke the Carlsbad control area extension was omitted from the text of the rule. Therefore, action is taken herein to effect the revocation.

Since this correction is editorial in nature and imposes no additional burden on any person, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-FW-92 (26 F.R. 7874) is hereby modified by adding the following:

Part 601 (14 CFR Part 601) is amended by revoking the following section: §601.1207 Control area extension (Carlsbad, N. Mex.).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61-8799; Filed, Sept. 14, 1961; 8:47 a.m.]

[Airspace Docket No. 61-WA-62]

## PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Designation of Jet Advisory Areas

On May 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4458), stating that the Federal Aviation Agency was considering the designation of radar jet advisory areas associated with the segments of Jet Route No. 29 from Cleveland, Ohio, to Plattsburgh, N.Y., Jet Route No. 34 from Milwaukee, Wis., to Cleveland, Ohio, Jet Route No. 49 from Albany, N.Y., to Bangor, Maine, and Jet Route No. 59 from Philipsburg, Pa., to Syracuse, N.Y. Provision for the designation of radar jet advisory areas has been made in a revision to Part 602 of the regulations of the Administrator published in the FEDERAL REGISTER August 8, 1961, effective September 21, 1961 (26 F.R. 7079).

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments have been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions taken.

1. In the text of § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following changes are made:

a. In Jet Route No. 29 jet advisory area "Cleveland, Ohio." is deleted and "Plattsburgh, N.Y." is substituted therefor.

b. In Jet Route No. 34 jet advisory area "Cleveland, Ohio," is deleted and "Milwaukee, Wis.," is substituted therefor.

c. In Jet Route No. 49 jet advisory area "Albany, N.Y." is deleted and "Bangor, Maine." is substituted therefor.

2. In the text of § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following is added:

Jet Route No. 59 jet advisory area.
*Radar.* Philipsburg, Pa., to Syracuse, N.Y.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61-8784; Filed, Sept. 14, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-107]

## PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Alteration of Jet Routes

The purpose of these amendments to Part 602 of the regulations of the Administrator is to improve the jet route structure by eliminating an unnecessary intersection and providing a common intersection for jet routes which will improve air traffic services.

Jet routes Nos. 16 and 90 are presently designated, in part, from the Mason City, Iowa, VORTAC via the intersection of Mason City VORTAC 110° and the Northbrook, Ill., VORTAC 276° True radials to the Northbrook VORTAC. These segments of jet routes Nos. 16 and 90 are realigned herein via the intersection of the Mason City VORTAC 109° and the Northbrook VORTAC 276° True radials to cause these routes to form a common intersection with jet route No. 84 west of Northbrook.

On August 8, 1961, Airspace Docket No. 60-WA-34 was published in the FEDERAL REGISTER (26 F.R. 7079), which revised Part 602 of the regulations of the Administrator effective September 21, 1961. The action taken herein conforms to the change of format adopted in that revision for designating jet routes.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In § 602.100 *Jet routes* (26 F.R. 7079), Jet Routes Nos. 16 and 90 are amended to read:

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via the INT of the Portland 098° and the Pendleton, Oreg., 256° radials; Pendleton; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 109° and the Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Peck, Mich.; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N.Y., via the Buffalo 274° radial; Albany, N.Y., to Boston, Mass.

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via the INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 109° and the Northbrook, Ill., 276° radials, to Northbrook.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61-8785; Filed, Sept. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-68]

## PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Designation of Jet Route

On June 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5236), stating that the Federal Aviation Agency was considering the designation of Jet Route No. 548 from Cleveland, Ohio, to the

intersection of the Cleveland VORTAC 024° True radial and the United States/Canadian Border.

No adverse comments were received regarding the proposed amendment. Subsequent to publication of the notice, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER (26 F.R. 7079, August 8, 1961), which revised Part 602 of the regulations of the Administrator effective September 21, 1961. The action taken herein conforms to the change of format adopted in that revision for designating jet routes. Additionally, the Canadian Department of Transport has designated the Canadian portion of this route between Cleveland and Toronto, Ontario, as High level airway No. 545. Therefore, to provide continuity in route numbering and to facilitate flight planning, action is taken herein to number the route between Cleveland and the United States/Canadian Border as Jet Route No. 545. Radar jet advisory service will be provided for this route by virtue of the designation of the Cleveland, Ohio, terminal jet advisory area in Airspace Docket No. 60–WA–34.

Interested persons have been afforded an opportunity to participate in the making of the rule adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In the text of § 602.100 (26 F.R. 7079) the following is added:

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border) (Joins Canadian High Level Airway No. 545).
From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

This amendment shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61–8786; Filed, Sept. 14, 1961; 8:46 a.m.]

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[Airspace Docket No. 60–WA–34]

## PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Jet Routes; Modification

On August 8, 1961, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER (26 F.R. 7079), effective September 21, 1961, in which Part 602 of the regulations of the Administrator was reissued.

Prior to publication of Airspace Docket No. 60–WA–34 an agreement was made with the Canadian Department of Transport that where a jet route would connect with a Canadian high-level airway of the same number this fact would be so indicated in the caption of the jet route. Action is taken herein in § 602.100 to amend the captions to jet routes Nos. 500, 515, and 546 to include this information.

Since these actions effect no substantive change to the rule as initially adopted, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–34 (26 F.R. 7079) is hereby modified as follows:

1. In § 602.100 the captions of jet routes Nos. 500, 515, and 546 are amended to read:

Jet Route No. 500 (Lakehead, Ontario, to Millinocket, Maine) (joins Canadian high level airway No. 500).
Jet Route No. 515 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 515).
Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61–8797; Filed, Sept. 14, 1961; 8:47 a.m.]

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[Airspace Docket No. 61–NY–66]

## PART 608—SPECIAL USE AIRSPACE

### Alteration of Restricted Area

The purpose of this amendment to § 608.65 of the regulations of the Administrator is to change the time of designation and designated altitudes for the Underhill, Vt., Restricted Area R–6501.

The Department of the Army has advised they no longer require airspace within R–6501 above 4,000 feet MSL, and in addition that no activity is conducted within this restricted area during the hours from 0100 to 0700 hours local time from August 1 through May 31 annually. Therefore, action is taken herein to reflect these changes.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.65 *Vermont*, R–6501 Underhill, Vt., Restricted Area (26 F.R. 7187), is amended to read:

R–6501 Underhill, Vt.
*Boundaries.* Beginning at latitude 44°30′15″ N., longitude 72°51′30″ W.; to latitude 44°27′00″ N., longitude 72°50′00″ W.; to latitude 44°27′30″ N., longitude 72°53′15″ W.; to latitude 44°28′30″ N., longitude 72°56′50″ W.; to latitude 44°30′00″ N., longitude 72°56′30″ W.; to the point of beginning.
*Designated altitudes.* Surface to 4,000 feet MSL.
*Time of designation.* Continuous, June 1 through July 31; 0700 to 0100, e.s.t., August 1 through May 31.
*Using Agency.* Adjutant General, State of Vermont, Montpelier, Vt.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat., 749; 49 U.S.C. 1348)

Issued in Washington, D.C., September 8, 1961.

LEE E. WARREN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 61–8788; Filed, Sept. 14, 1961; 8:46 a.m.]

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# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 8300 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Fur Flyers, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fur Flyers, Inc., et al., New York, N.Y., Docket 8300, Aug. 17, 1961]

*In the Matter of Fur Flyers, Inc., a Corporation, and Ida L. York, and Carolyn Sherwin, Individually and as Officers of Said Corporation*

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered,* That Fur Flyers, Inc., a corporation, and its officers, and Ida L. York and Carolyn Sherwin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising or offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to fur products showing in words and figures, plainly legible, all

of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures, plainly legible, all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 17, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8803; Filed, Sept. 14, 1961; 8:48 a.m.]

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[Docket 8034 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Hooker Chemical Corp.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18) [Cease and desist order and order to divest, Hooker Chemical Corporation, New York, N.Y., Docket 8034, August 22, 1961]

Consent order requiring a major chemical manufacturer having sales for fiscal 1958 in excess of $125,000,000 and in 1957 the largest producer of phenolic molding compound, with about 43 percent of total sales, to divest itself absolutely, within 90 days, of all machinery and equipment, and all formulae, technical information, know-how, trade secrets, and customer lists related to the production of phenolic molding compound formulations, acquired from the third largest producer which had about 13 percent of the market, as a result of which acquisition at least 80 percent of all molding material sales were concentrated in two producers—and to comply with other requirements as in the order below specified.

Said order is as follows:

I. *It is ordered,* That respondent Hooker Chemical Corporation, and its officers, directors, agents, representatives, and employees, shall, within ninety (90) days of the service of this order upon it, divest itself absolutely, in good faith, as a unit and to the same purchaser, of all right, title, privilege and interest in and to all machinery and equipment now owned by respondent, and all formulae, technical information, know-how, trade secrets and customer lists related to the production and sale of phenolic molding compound formulations, acquired from Monsanto Chemical Company, together with all additions to, and improvements on, such assets. The divestiture shall proceed in a manner consistent with the objective of continuing the production and sale of the phenolic molding compound formulations divested.

*It is further ordered,* That respondent Hooker Chemical Corporation: (1) Make available to the purchaser of the assets divested, for a period of six (6) months from the date of the divestiture, at respondent's cost (to be disclosed to and held in confidence by said purchaser), the purchaser's requirements of lump resins and resin compounds needed to manufacture said phenolic molding compound formulations, and, the purchaser's requirements of said phenolic molding compound formulations, to enable the purchaser to develop its own manufacturing facilities for said products without interrupting the supply of said molding compounds to purchasers.

(2) Provide the purchaser of the divested assets with engineering assistance in the setting up of test equipment and methods of testing, designed to assure that the phenolic molding compounds produced using the resins and/or formulae, technical information, know-how and trade secrets, furnished will meet the specifications for such molding compounds heretofore maintained by respondent.

(3) Provide the purchaser of the divested assets with a list of customers that made any purchases of said phenolic molding compound formulations from January 1, 1957, to the date of this order. Such list shall include the formulation number and annual quantities, in dollars and pounds, purchased by each customer.

II. *It is further ordered,* That respondent cease and desist, for a period of ten (10) years from the receipt of this order, from the acquisition, directly or indirectly, of any shares of stocks or assets of any manufacturer or distributor engaged in the manufacture, sale or distribution of phenolic molding compounds in the United States.

III. *It is further ordered,* That in such divestitures hereinbefore mentioned, none of the said assets, properties, rights and privileges, tangible or intangible, shall be sold or transferred, directly or indirectly, to anyone who, at the time of the divestiture, is a stockholder, officer, director, employee or agent of, or otherwise, directly or indirectly connected with, or under the control of, respondent or any of respondent's subsidiaries or affiliated companies.

IV. *It is further ordered,* That the allegations of the complaint charging that respondent's acquisition of Durez Plastics & Chemicals, Inc., violated section 7 of the amended Clayton Act be dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued; August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8804; Filed, Sept. 14, 1961; 8:48 a.m.]

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[Docket 8332 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### John W. Thomas and Co.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, John W. Thomas and Company, Minneapolis, Minn., Docket 8332, Aug. 22, 1961]

Consent order requiring a Minneapolis furrier to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered,* That John W. Thomas and Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information. 2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth the item number or mark assigned to a fur product.

D. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required to be disclosed under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8805; Filed, Sept. 14, 1961; 8:48 a.m.]

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[Docket 7469 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Livigen Laboratory Sales Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-24 *Cosmetic or beautifying.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Livigen Laboratory Sales Corp. et al., New York, N.Y., Docket 7469, Aug. 22, 1961]

*In the Matter of Livigen Laboratory Sales Corp., a Corporation, Biotex, Ltd., a Corporation, and David L. Ratke, Individually and as an Officer of Said Corporations, and Max Laserow, Individually and as an Officer of Livigen Laboratory Sales Corp.*

Consent order requiring two associated corporations and their common officer, all at the same address in New York City, to cease representing falsely in advertisements in newspapers, magazines, etc., that the cosmetic preparation "Livigen", which they distributed, was a skin food which, when used as directed, would rejuvenate the skin of the user. As to respondent Max Laserow, another initial decision containing a desist order is not final.

The order to cease and desist is as follows:

*It is ordered,* That the respondents Livigen Laboratory Sales Corp., a corporation, and its officers, Biotex, Ltd., a corporation, and its officers and respondent David L. Ratke, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated livigen, or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, said preparation:

(a) Is a skin food;

(b) Will rejuvenate the skin of the user thereof.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, any advertisement which contains any of the representations prohibited in Paragraph 1 above.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered,* That respondents Livigen Laboratory Sales Corp., a corporation, Biotex, Ltd., a corporation, and David L. Ratke, individually and as an officer of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-8806; Filed, Sept. 14, 1961; 8:49 a.m.]

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[Docket 8373 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Minkraft, Ltd. and Abraham Dattner

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Minkraft, Ltd., et al., New York, N.Y., Docket 8373, Aug. 5, 1961]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored fur as natural, and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered,* That Minkraft, Ltd., a corporation, and its officers, and Abraham Dattner, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing, directly or by implication, on labels that the fur in such products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder on one side of such labels.

D. Failing to set forth the item number or mark assigned to a fur product on such labels.

2. Falsely or deceptively invoicing fur products by: A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Representing, directly or by implication, on invoices that the fur in such products is natural, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 4, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-8807; Filed, Sept. 14, 1961; 8:49 a.m.]

[Docket 8135 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Standard Mattress Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.170 *Qualities or properties of product or service:* § 13.170–22 *Corrective, orthopedic, etc.;* § 13.255 *Surveys.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—PRICES: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Standard Mattress Company et al., Hartford, Conn., Docket 8135, Aug. 22, 1961]

*In the Matter of The Standard Mattress Company, a Corporation, and N. Aaron Naboicheck, Louis H. Naboicheck and Max H. Kaminsky, Individually and as Officers of Said Corporation*

Consent order requiring Hartford, Conn., distributors of mattresses to retailers for resale, to cease setting forth excessive amounts as usual retail prices on attached labels and in advertising material; using such terms as "10 year * * *", "15 year* * *", and "20 year registered guarantee" in advertising certain mattresses when the guarantees furnished were limited and conditional; stating falsely in advertising that a national survey had determined that "American Dream" mattress should sell for $69.98; and representing falsely, by use of such terms as "Orthopedic Construction" and "Medic Rest" and otherwise, that their stock mattresses would correct bodily deformities and disorders; and to disclose clearly that use of their mattresses would relieve backache only when caused by sleeping on a soft mattress.

The order to cease and desist is as follows:

*It is ordered,* That respondents, The Standard Mattress Company, a corporation, and its officers, and N. Aaron Naboicheck, Louis H. Naboicheck and Max H. Kaminsky, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of mattresses or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner that certain amounts are the usual and customary retail prices of their mattresses or other merchandise when such amounts are in excess of the prices at which their mattresses or other merchandise are usually and customarily sold at retail in the trade area where such representation is made.

2. Representing, directly or by implication, that their mattresses or other merchandise are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth.

3. Representing, directly or by implication, that their mattresses or other merchandise have been the subject of a consumer survey or that the retail price of such mattresses or other merchandise, or any other fact, has thereby been determined, unless such is the fact.

4. Using the word "orthopedic", or "medic" or any other term of like import as a designation or as descriptive of their stock mattresses.

5. Representing, directly or by implication, that their stock mattresses are specially designed to, and that their indiscriminate use will correct deformities and disorders of the human body.

6. Representing, directly or by implication, that use of respondents' mattresses prevents backache, unless it is clearly disclosed in immediate conjunction therewith, that such relief will be afforded only to users whose backaches result from using a soft mattress.

*It is further ordered,* That subparagraph 4 of Paragraph Four of the complaint, insofar as it relates to the word "Sacro-Support", be, and it hereby is, dismissed without prejudice.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 22, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61–8808; Filed, Sept. 14, 1961; 8:49 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55468]

## PART 6—AIR COMMERCE REGULATIONS

### Diversion From the Scheduled or Intended Port of Arrival of Aircraft Arriving From a Place Outside an Area of the United States

There is in existence at various points of departure outside the United States an approved practice of preclearing the crew, passengers, and their baggage, destined to arrive on an aircraft at a point in an area of the United States. This preclearance in foreign territory is, of course, only tentative and must be ratified by the customs officers at the place of arrival in the United States. With the increase of passenger preclearance operations the incidence of diversions from scheduled or intended airports of arrival due to weather or other operational necessity has increased.

Many documents for customs purposes arrive with the inbound aircraft at the place of diversion. However, other necessary documents for customs purposes must be dispatched from the customs preclearance office to the port of arrival. In the case of a diversion of the aircraft from the scheduled or intended port of arrival, which is known to the customs preclearance office, to another port of arrival, it is necessary that both the customs preclearance office and the scheduled or intended port of arrival be advised of the port at which the aircraft actually arrived.

Accordingly, to take effect November 1, 1961, the following amendment of § 6.2 is made:

Section 6.2(g) is amended by inserting between the second and third sentences a new sentence to read: "When an aircraft carrying precleared crew, passengers and baggage or merchandise lands for any reason at an airport in the United States other than the scheduled or intended port of arrival, written notice must be received from the airline representative or aircraft commander both at the customs office at the place of preclearance and at or for the place of intended landing within seven days, unless notice is otherwise given in accordance with a procedure previously agreed to with the carrier by the collector of customs involved."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: September 7, 1961.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 61–8821; Filed, Sept. 14, 1961; 8:51 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

## PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

### Miscellaneous Amendments

Pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1068, 29 U.S.C. 213), the Fair Labor Standards Amendments of 1961 (sec. 9, Pub. Law 87–30), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, 29 CFR Part 541 is hereby amended as hereinafter indicated in order to eliminate the definition of "local retailing capac-

ity," the exemption for which was deleted from section 13(a)(1) by the 1961 Amendments, and to provide that an employee otherwise qualified for exemption from the wage and hour provisions as employed in a bona fide executive or administrative capacity in a retail or service establishment shall be within such exemption unless 40 per centum of his hours worked in the workweek are devoted to activities not directly or closely related to the performance of executive or administrative activities.

No notice and public participation are afforded regarding these amendments because such procedure is deemed impracticable in light of the fact that the amendments carry out provisions of the Fair Labor Standards Amendments of 1961 that furnish expressly the details for the rules involved.

As the Fair Labor Standards Amendments of 1961 are presently in effect, I find good cause to, and do, make these amendments effective without delay.

Subsequent rule-making proceedings affording public participation are contemplated with respect to the question of what changes, if any, should be made in the other provisions of 29 CFR Part 541 in view of the new employments to which they apply under the Fair Labor Standards Amendments of 1961.

The amendments to 29 CFR Part 541 are set forth below.

1. The heading of Part 541 is amended to read as set forth above.

2. Paragraph (e) of § 541.1, dealing with the "executive" exemption, is amended to read as follows:

**§ 541.1 Executive.**

* * * * *

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided,* That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

3. Paragraph (d) of § 541.2 dealing with the "administrative" exemption is amended to read as follows:

**§ 541.2 Adminstrative.**

* * * * *

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

4. In § 541.3, the introductory text preceding paragraph (a) is amended to show that there is no longer an ellipsis of text between the words "professional" and "capacity" in section 13(a)(1) because of the 1961 Amendments. As amended, the introductory text reads as follows:

**§ 541.3 Professional.**

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

**§ 541.4 [Revocation]**

5. Section 541.4 is hereby revoked.

6. Paragraph (a) of § 541.99 is amended to make the quotation from section 13(a)(1) of the Fair Labor Standards Act consistent with the text of that section as amended by the 1961 Amendments. As amended, paragraph (a) of § 541.99 reads as follows:

**§ 541.99 Introductory statement.**

(a) Section 13(a)(1) of the Fair Labor Standards Act exempts from the wage and hour provisions of the Act "any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities)." The requirements of the exemption under this section of the Act are contained in Subpart A of this part.

7. In § 541.100, the quotation of paragraph (e) of § 541.1 is amended in accordance with the changes made in that paragraph by amendment 2 of this document, and reads as follows:

**§ 541.100 The definition of "executive."**

Section 541.1 defines the term "bona fide executive" as follows: * * *

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities wnich are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided,* That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

8. The provisions of § 541.101 are amended to make changes consistent with those made by amendment 2 of this document. As amended, § 541.101 reads as follows:

**§ 541.101 General.**

The duties and responsibilities of an exempt executive employee are described in paragraphs (a) through (d) of § 541.1. Paragraph (e) of § 541.1 contains, among other things, percentage limitations on the amount of time which an employee may devote to activities "which are not directly and closely related to the performance of work described in paragraphs (a) through (d)" of that section. For convenience in discussion, the work described in paragraphs (a) through (d) of § 541.1 and the activities directly and closely related to such work will be referred to as "exempt" work, while other activities will be referred to as "nonexempt" work.

9. Paragraph (c) of § 541.105 is amended to make clear that the experience of the Divisions has been limited to the general 20-percent tolerance provided in 29 CFR 541.1(e). As amended, paragraph (c) of § 541.105 reads as follows:

**§ 541.105 Two or more other employees.**

* * * * *

(c) It has been the experience of the Divisions that a supervisor of as few as two employees usually performs nonexempt work in excess of the general 20-percent tolerance provided in § 541.1.

10. Paragraphs (a), (c), and (d) of § 541.109 are amended to refer generally to the percentage limitations on nonexempt work provided in § 541.1 instead of solely to the 20-percent limitation. As amended, paragraphs (a), (c), and (d) of § 541.109 read as follows:

**§ 541.109 Emergencies.**

(a) Under certain occasional emergency conditions, work which is normally performed by nonexempt employees and is nonexempt in nature will be directly and closely related to the performance of the exempt functions of management and supervision and will therefore be exempt work. In effect, this means that a bona fide executive who performs work of a normally nonexempt nature on rare occasions because of the existence of a real emergency will not, because of the performance of such emergency work, lose the exemption. Bona fide executives include among their responsibilities the safety of the men under their supervision, the preservation and protection of the machinery or other property of the department or subdivision in their charge from damage due to unforeseen circumstances, and the prevention of widespread breakdown in production. Consequently, when conditions beyond control arise which threaten the safety of the employees, or a cessation of production, or serious damage to the employer's property, any manual or other normally nonexempt work performed in an effort to prevent such results is considered exempt work and is not included in computing the percentage limitation on nonexempt work.

* * * * *

(c) A few illustrations may be helpful in distinguishing routine work performed as a result of real emergencies of the kind for which no provision can practicably be made by the employer in advance of their occurrence and routine work which is not in this category. It is obvious that a mine superintendent who pitches in after an explosion and digs out the men who are trapped in the

mine is still a bona fide executive during that week. On the other hand, the manager of a cleaning establishment who personally performs the cleaning operations on expensive garments because he fears damage to the fabrics if he allows his subordinates to handle them is not performing "emergency" work of the kind which can be considered exempt. The performance of nonexempt work by executives during inventory-taking, during other periods of heavy workload, or the handling of rush orders are the kinds of activities which the percentage tolerances are intended to cover. For example, pitching in on the production line in a canning plant during seasonal operations is not exempt "emergency" work even if the objective is to keep the food from spoiling. Maintenance work is not emergency work even if performed at night or during weekends. Relieving subordinates during rest or vacation periods cannot be considered in the nature of "emergency" work since the need for replacements can be anticipated. Whether replacing the subordinate at the work bench or production line during the first day or partial day of an illness would be considered exempt emergency work would depend upon the circumstances in the particular case. Such factors as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly would all have to be weighed.

(d) All the regular cleaning up around machinery, even when necessary to prevent fire or explosion, is not "emergency" work. However, the removal by an executive of dirt or obstructions constituting a hazard to life or property need not be included in computing the percentage limitation if it is not reasonably practicable for anyone but the supervisor to perform the work and it is the kind of "emergency" which has not been recurring. The occasional performance of repair work in case of a breakdown of machinery may be considered exempt work if the breakdown is one which the employer cannot reasonably anticipate. However, recurring breakdowns requiring frequent attention, such as that of an old belt or machine which breaks down repeatedly, are the kind for which provision could reasonably be made and repair of which must be considered as nonexempt.

11. Section 541.112 is amended to reflect the percentage limitations on nonexempt work now provided by § 541.1(e), as changed by amendment 2 of this document. As amended § 541.112 reads as follows:

**§ 541.112 Percentage limitations on nonexempt work.**

(a) An employee will not qualify for exemption as an executive if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work. This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(b) There are two special exceptions to these limitations—that relating to the employee in "sole charge" of an independent or branch establishment and that relating to an employee owning a 20-percent interest in the enterprise in which he is employed. These except the employee only from the percentage limitations on nonexempt work. They do not except the employee from any of the requirements of § 541.1. Thus while the percentage limitations on nonexempt work are not applicable, it is clear that the employee would not qualify for the exemption if he performs so much nonexempt work that he could no longer meet the requirement of § 541.1(a) that his primary duty must consist of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof.

12. Paragraph (a) of § 541.113 is amended to reflect the changes made in § 541.1(e) by amendment 2 of this document, and reads as follows:

**§ 541.113 Sole-charge exception.**

(a) An exception from the percentage limitations on nonexempt work is provided in § 541.1(e) for "an employee who is in sole charge of an independent establishment or a physically separated branch establishment * * *." Such an employee is considered to be employed in a bona fide executive capacity even though he exceeds the applicable percentage limitation on nonexempt work.

13. Paragraph (a) of § 541.114 is amended to reflect the changes made in § 541.1(e) by amendment 2 of this document, and reads as follows:

**§ 541.114 Exception for owners of 20-percent interest.**

(a) An exception from the percentage limitations on nonexempt work is provided in § 541.1(e) for an employee "who owns at least a 20-percent interest in the enterprise in which he is employed." This provision recognizes the special status of a share-holder of an enterprise who is actively engaged in its management.

14. In § 541.200 dealing with the administrative exemption, the quotation from paragraph (d) of § 541.2 is amended in accordance with the changes made by amendment 3 of this document, and reads as follows:

**§ 541.200 Definition of "administrative".**

Section 541.2 defines the term "bona fide * * * administrative" as follows: * * *

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

15. Section 541.209 is amended to reflect the changes made in § 541.1(d) by amendment 3 of this document, and reads as follows:

**§ 541.209 Percentage limitations on nonexempt work.**

(a) Under § 541.2(d), an employee will not qualify for exemption as an administrative employee if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work; that is, to activities which are not directly and closely related to the performance of the work described in § 541.2 (a) through (c).

(b) This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(c) The tolerance for nonexempt work allows the performance of nonexempt manual or nonmanual work within the percentages allowed for all types of nonexempt work.

16. In § 541.300, the independent clause beginning the quotation from § 541.3 is amended in accordance with the changes made in that clause by amendment 4 of this document, and reads as follows:

**§ 541.300 Definition of "professional".**

Section 541.3 defines the term "bona fide * * * professional" as follows:

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

17. Paragraph (b) of § 541.308 is amended to indicate that there is no longer an ellipsis of text between the words "professional" and "capacity" in section 13(a)(1) because of the 1961 Amendments. As amended, paragraph (b) reads as follows:

**§ 541.308 Nonexempt work generally.**

* * * * *

(b) It is necessary to emphasize the fact that section 13(a)(1) exempts "any employee employed in a bona fide * * * professional capacity". It does not exempt all employees of professional employers, or all employees in industries having large numbers of professional members, or all employees in any particular occupation. Nor does it exempt, as such, those learning a profession. Moreover, it does not exempt persons with professional training, who are working in professional fields, but performing subprofessional or routine work. For example, in the field of library science there are large numbers of employees who are trained librarians but who, nevertheless, do not perform professional work or receive salaries commensurate with recognized professional status. The field of "engineering" has many persons with "engineer" titles, who are not professional engineers, as well as many who are trained in the engineering profession, but are actually working as trainees, junior engineers, or draftsmen.

**§§ 541.400, 541.401, 541.402, 541.403 [Revocations]**

18. Sections 541.400, 541.401, 541.402, and 541.403 which relate to the meaning

of the term "local retailing capacity" deleted from section 13(a)(1) of the Act by the 1961 Amendments are hereby revoked.

Signed at Washington, D.C., this 9th day of September 1961.

CLARENCE L. LUNDQUIST,
*Administrator.*

[F.R. Doc. 61-8818; Filed, Sept. 14, 1961; 8:51 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2432; Correction]

### ALASKA

### Partially Revoking Public Land Order No. 253 of December 7, 1944 (Fort Richardson)

SEPTEMBER 6, 1961.

The reference to Township 12 in that portion of the land description in Public Land Order No. 2432 of July 10, 1961 (26 F.R. 6304), which reads "identical with the northwest corner of lot 4, section 7, T. 12 N., R. 2 W." is corrected to read "Township 13."

JERRY A. O'CALLAGHAN,
*Assistant Director.*

[F.R. Doc. 61-8811; Filed, Sept. 14, 1961; 8:50 a.m.]

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[Public Land Order 2483]

[Anchorage 050744]

### ALASKA

### Revoking Various Executive Orders in Whole or in Part

1. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered that the following-described Executive Orders, to the extent that they affect the lands indicated, be and they are hereby revoked.

a. Executive Order No. 979 of November 24, 1908, withdrawing by metes and bounds a tract on the north side of the Gulkana River, about four miles above its confluence with the Copper River for use of the Signal Corps. (About 22.30 acres.)

b. Executive Order No. 1193 of April 26, 1910, which withdrew by metes and bounds a tract at Beaver Dam, approx. latitude 60°20', longitude 145°20', for use of the Signal Corps. (About 640 acres.)

c. The Executive Order of May 24, 1905, so far as it withdrew by metes and bounds for use of the Signal Corps for telegraph offices, storehouses and stables, wood and pole reserves at Chistochina, Copper Center, Gakona, and Tiekel, about 640 acres at each place, and at Workmans, about 450 acres.

d. Executive Order No. 1958 of June 6, 1914, so far as it reserved 55.29 acres at Copper Center, approx. latitude 61°54' N., longitude 145°20' W., for use of the Signal Corps, United States Army.

e. Executive Order No. 7127 of August 6, 1935, placing lands under control of the Secretary of the Interior for various purposes, so far as it affects any of the areas described in paragraphs (a) through (d), inclusive, of this order.

2. Some of the lands at Copper Center, Gulkana and Workmans have been transferred to the State of Alaska under provisions of the Act of June 25, 1959 (73 Stat. 141).

3. Until 10:00 a.m., on December 12, 1961, the State of Alaska shall have a preferred right to select the public lands released from withdrawal by this order in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m., on December 12, 1961, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to existing valid rights and equitable claims and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8812; Filed, Sept. 14, 1961; 8:50 a.m.]

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[Public Land Order 2484]

[Utah 037938]

### UTAH

### Revoking in Part Withdrawal for Reclamation Purposes (Gunnison Valley Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of April 30, 1921, and any other order or orders withdrawing lands for reclamation purposes under the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

T. 19 S., R. 16 E.,
Sec. 34, lots 1 to 12 incl., S½NE¼, W½NW¼, and SE¼.
T. 20 S., R. 16 E.,
Sec. 3, lots 1 to 5 incl., SE¼NE¼, SW¼NW¼, NW¼SW¼, and E½SE¼;
Sec. 9, NW¼NW¼;
Sec. 10, lots 1, 6, 8, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 15, N½, N½S½, and SW¼SE¼;
Sec. 17, NW¼;
Sec. 18, lots 1 to 4 incl., SE¼NW¼, and E½SW¼;
Sec. 19, lots 1 to 3 incl., NE¼NE¼, E½NW¼, and SE¼SE¼;
Sec. 21, SE¼SW¼;
Sec. 22, NW¼NE¼;
Sec. 28, lot 2, E½NW¼, and S½;
Sec. 30, lots 1 to 4 incl., and E½W½;
Sec. 31, lots 1 to 4 incl., and E½W½;
Sec. 33, lots 1 to 3 incl., NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 34, W½NW¼.
T. 21 S., R. 16 E.,
Sec. 1, lots 1, 4, 5, 7, 8, 9, 10, and 12 to 16 incl.;
Sec. 3, lot 19;
Sec. 5, lots 3 to 7 incl., 9 to 14 incl., 16, N½SW¼, and S½SE¼;
Sec. 8, SW¼NW¼, N½SW¼, SW¼SW¼, and SE¼;
Sec. 12, S½SE¼;
Sec. 13, NE¼NE¼, S½SW¼, and SW¼SE¼;
Sec. 14, E½SE¼.
T. 21 S., R. 17 E.,
Sec. 4, lots 11 to 14 incl., N½SW¼, SW¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 5, E½SE¼;
Sec. 6, lots 2 to 7 incl., 10 to 14 incl., 17, 18, and E½SW¼;
Sec. 7, lot 4, SE¼SW¼, and SE¼;
Sec. 8, NW¼SW¼, SE¼SW¼, and SE¼;
Sec. 9, N½N½, SW¼NE¼, SW¼NW¼, and S½;
Sec. 10, NE¼ and S½;
Sec. 15;
Sec. 17, N½, SW¼, and N½SE¼;
Sec. 18, lots 1 to 4 incl., E½, and E½W½;
Sec. 19, lots 1 to 4 incl., E½, and E½W½;
Secs. 20 and 21;
Sec. 22, N½NE¼, SW¼NW¼, NW¼SW¼, and S½S½.

Containing 12,629.40 acres.

2. The following lands will remain in withdrawals for power purposes, but at 10:00 a.m., on October 17, 1961, shall be open to location under the United States mining laws subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621):

T. 19 S., R. 16 E.,
Sec. 34, lots 1 to 12 incl., S½NE¼, W½NW¼, and W½SE¼.
T. 20 S., R. 16 E.,
Sec. 3, lots 2 to 5 incl.

3. The lands lie along the Green River, near the town of Green River, Utah. Those located in Townships 19 and 20 South, Range 16 East are north of the town of Green River in the rough canyon along the west side of the river. The remaining lands are located east of the river and the topography varies from moderately steep to rolling. Soils are generally shallow, rocky blue shale. The predominate vegetative type is a sparse stand of shadscale associated with galleta grass, Indian ricegrass and other grasses and weeds.

4. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on March 13, 1962, the State of Utah shall have a preferred right to apply to select the lands except those described in paragraph 2 hereof in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to mineral leasing. They will be open to mining location at 10:00 a.m., on March 13, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8813; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2485]

[Montana 033170]

## MONTANA

### Partial Revocation of Reclamation Withdrawals (Milk River Project); Revoking Departmental Order of October 9, 1915 (Vandalia Townsite Reserve)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and section 1 of the Act of April 16, 1906 (34 Stat. 116; 43 U.S.C. 561), as amended, it is ordered as follows:

1. The Departmental orders of August 18, 1902; February 9, 1903; December 30, 1903; December 30, 1908; October 7, 1918; May 24, 1921; and July 28, 1932, which withdrew lands for reclamation purposes, and the Departmental order of October 9, 1915, which reserved lands for townsite purposes, are hereby revoked so far as they affect the following-described lands:

MONTANA PRINCIPAL MERIDIAN

T. 29 N., R. 38 E.,
Sec. 20, NW¼SE¼ and E½SE¼.
T. 30 N., R. 37 E.,
Sec. 15, SW¼SW¼.
T. 31 N., R. 24 E.,
Sec. 3, lot 2.
T. 31 N., R. 25 E.,
Sec. 13, lot 2;
Sec. 26, lot 1;
Sec. 28, lot 1.
T. 31 N., R. 35 E.,
Sec. 10, lot 14;
Sec. 15, lots 5 and 6.
T. 32 N., R. 21 E.,
Sec. 13, NE¼SW¼ and NW¼SE¼.
T. 32 N., R. 22 E.,
Sec. 2, E½SE¼;
Sec. 6, lot 4.
T. 32 N., R. 23 E.,
Sec. 35, lot 5.
T. 32 N., R. 24 E.,
Sec. 35, lot 1.
T. 32 N., R. 32 E.,
Sec. 11, lot 10.

The areas described aggregate 481.64 acres, of which approximately 160 acres are withdrawn for other purposes, are patented, or included in an allowed homestead entry under the ordinary provisions of the homestead laws.

2. The lands are situated in Blaine, Phillips and Valley Counties, Montana, principally adjacent to the Milk River. Soils are silty-sandy, supporting a vegetative cover of cottonwoods, willows, brush, and intermingled grass species.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, to equitable claims if confirmed and allowed, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that, until 10:00 a.m., on March 13, 1962, the State of Montana shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8814; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2486]

## ALASKA

### Revoking Certain Withdrawals in Whole or in Part (Air Navigation Site No. 259; Administrative Site; Recreation Area)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 659 of August 24, 1950, which created Air Navigation Site Withdrawal No. 259; Executive Order No. 6804 of August 4, 1934, and Public Land Order No. 609 of October 10, 1949, which withdrew lands for use of the Bureau of Public Roads, Department of Commerce, as an administrative site, and Public Land Order No. 735 of July 26, 1951, which withdrew lands for the protection and preservation of scenic and recreation areas, are hereby revoked so far as they affect the following-described lands, as indicated:

a. [Anchorage 051980]

Public Land Order No. 659:

SEWARD MERIDIAN

ANCHORAGE AREA

T. 12 N., R. 4 W.,
Sec. 3, SW¼NW¼ and N½SW¼;
Sec. 4, SE¼NE¼.
T. 13 N., R. 4 W.,
Sec. 27, lots 1, 4, 5, 6, 9, 10, S½NE¼NE¼, SE¼NE¼, and E½SE¼;
Sec. 34, lot 1, E½NE¼, and SW¼NE¼, except a tract of 16.80 acres reserved for other aviation purposes; lots 2, 3, 5, SE¼NW¼, and SE¼;
Sec. 35, S½, also a tract in secs. 33 and 34, described by metes and bounds.
All aggregating about 1,377.02 acres.

b. [Anchorage 053889]

GIRDWOOD AREA

*U.S. Survey 1177*

Executive Order No. 6804:
Block 2, lots 12, 13, and 14.
Containing 0.247-acre.
Public Land Order No. 609:
Block 2, lots 7, 8, 9, and 10.
Containing 0.55-acre.

c. [Anchorage 053674]

Public Land Order No. 735:

SEWARD MERIDIAN

MOOSE CREEK AREA

T. 18 N., R. 2 E.,
Sec. 2, NE¼SE¼NW¼ south of Glenn Highway.
Containing 10 acres.

The areas described total in the aggregate approximately 1,387.82 acres. The lands, with the exception of those described in paragraph 1b, Public Land Order No. 609, have either been transferred to the State of Alaska under the provisions of the Act of June 25, 1959 (73 Stat. 141; Public Law 86-70), or are patented.

2. Until 10:00 a.m., on December 12, 1961, the State of Alaska shall have a preferred right to select the 0.55-acre described in paragraph 1b, in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m., on December 12, 1961, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

SEPTEMBER 11, 1961.

[F.R. Doc. 61-8815; Filed, Sept. 14, 1961; 8:50 a.m.]

[Public Land Order 2487]

## IDAHO

### Revoking in Whole or in Part Certain Executive Orders Which Withdrew Lands for Use of Forest Service as Administrative Sites; Correcting Public Land Order No. 2430

By virtue of the authority vested in the President, by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of October 26, 1908 and January 6, 1912, which withdrew lands for use of the Forest Service, Department of Agriculture, for administrative sites, are hereby revoked so far as they affect the following-described lands:

[Idaho 012371]

BOISE MERIDIAN

a. Executive Order of October 26, 1908:

SMITH CREEK ADMINISTRATIVE SITE

T. 65 N., R. 2 W.,
Sec. 23, lot 4.

b. Executive Order of January 6, 1912:

RIVERVIEW RANGER STATION

T. 27 N., R. 1 E.,
Sec. 17, SE¼SW¼.

The areas described aggregate 79.45 acres.

2. The lands are public lands situated in Boundary and Idaho Counties. Those in Idaho County lie approximately 8 miles southwest of Whitebird, and those in Boundary County, about 25 miles north of Bonners Ferry.